

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	3:07-cr-251-WKW-WC
)	
ROBERT BAILEY, III)	

UNOPPOSED MOTION TO CONTINUE

COMES NOW the defendant, Robert Bailey, III, by and through counsel, and respectfully moves the Court to continue the trial presently set in the above-captioned cause for March 10, 2008.

As grounds, the defendant states:

1. That Robert Bailey, III has applied for pre-trial diversion through the United States Attorney's Office.
2. That the investigation to determine if Mr. Bailey will be granted pre-trial diversion will not be completed before the March 10, 2008 trial date.
3. That it is a high probability that this case will be disposed of without the need for trial and that Mr. Bailey will receive pre-trial diversion.
4. That this motion is unopposed by the United States Attorney's Office.
5. Requests for a continuance are addressed to the sound discretion of the trial court. United States v. Darby, 744 F.2d 1508, 1521 (11th Cir. 1984), reh. denied 749 F.2d 733, cert. denied 471 U.S. 1100 (1985). Courts have repeatedly recognized that a continuance in order to provide adequate preparation by counsel serves the ends of justice. United States v. Goetz, 826 F.2d 1025, 1028 (11th Cir. 1987).

WHEREFORE, based upon the above-stated grounds, the defendant respectfully requests a continuance of the trial set for March 10, 2008.

Respectfully submitted, this the 27th day of February, 2008.

/s/ Tiffany B. McCord
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CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Ms. A. Clark Morris.

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